



General Assembly

February Session, 2000

Amendment

LCO No. 4226

Offered by:

REP. FRITZ, 90th Dist.

REP. MUSHINSKY, 85th Dist.

REP. ABRAMS, 83rd Dist

REP. ADINOLFI, 103rd Dist.

REP. DAVIS, 50th Dist.

SEN. MCDERMOTT, 34th Dist.

To: Subst. Senate Bill No. 311 File No. 162 Cal. No. 493
(As Amended by Senate Amendment Schedule "A")

"An Act Concerning Observance Of Martin Luther King Day."

1 Strike out sections 4 and 5 in their entirety and insert the following
2 in lieu thereof:

3 "Sec. 4. (NEW) Notwithstanding the provisions of section 7-473c of
4 the general statutes:

5 (1) If the parties are unable to resolve the compensation or exchange
6 of benefits issue pursuant to section 3 of this act, by June 30, 2000, the
7 parties shall submit the issue to an arbitration panel for resolution
8 through binding arbitration pursuant to this section not later than July
9 15, 2000.

10 (2) If neither the municipal employer nor the municipal employee
11 organization has submitted the issue to an arbitration panel for
12 resolution through binding arbitration pursuant to this section by July

13 15, 2000, said board shall notify the municipal employer and municipal
14 employee organization that binding and final arbitration is now
15 imposed on them, and the arbitration panel selected pursuant to this
16 section shall resolve the issue through binding arbitration not later
17 than September 30, 2000. Written notification of such imposition shall
18 be sent by registered mail or certified mail, return receipt requested, to
19 each party.

20 (3) Within two days of receipt of such notification, the chief
21 executive officer of the municipal employer and the executive head of
22 the municipal employee organization each shall select one member of
23 the arbitration panel. Within two days of their appointment, the two
24 members of the arbitration panel shall select a third member, who shall
25 be an impartial representative of the interest of the public in general
26 and who shall be selected from the panel of neutral arbitrators
27 appointed pursuant to subsection (a) of section 7-473c of the general
28 statutes. Such third member shall be the chairman of the panel. In the
29 event the municipal employer or the municipal employee organization
30 have not selected their respective members of the arbitration panel or
31 the two members of the panel have not selected the third member, the
32 State Board of Mediation and Arbitration shall appoint such members
33 as are needed to complete the panel, provided (A) the member or
34 members so appointed are residents of this state, and (B) the selection
35 of the third member of the panel by the State Board of Mediation and
36 Arbitration shall be made at random from among the members of the
37 panel of neutral arbitrators appointed pursuant to subsection (a) of
38 section 7-473c of the general statutes.

39 (4) The panel shall, within two days, by the call of its chairman, hold
40 a hearing within the municipality involved. The chairman of the panel
41 shall preside over such hearing. Any member of the panel shall have
42 the power to take testimony, to administer oaths and to summon, by
43 subpoena, any person whose testimony may be pertinent to the
44 matters before said panel, together with any records or other
45 documents relating to such matters. In the case of contumacy or refusal
46 to obey a subpoena issued to any person, the Superior Court, upon

47 application by the panel, shall have jurisdiction to order such person to
48 appear before the panel to produce evidence or to give testimony
49 touching the matter under investigation or in question, and any failure
50 to obey such order may be punished by said court as a contempt
51 thereof.

52 (5) The panel shall conclude the hearing within fifteen days after its
53 commencement. Within ten days after the hearing, the panel shall
54 issue, upon majority vote, and file with the State Board of Mediation
55 and Arbitration its decision which shall immediately and
56 simultaneously distribute a copy thereof to each party. In making its
57 decision, the panel shall accept the last best offer of either of the
58 parties. As part of the arbitration decision, each member shall state the
59 specific reasons and standards in making a choice on each unresolved
60 issue. In arriving at its decision, the panel shall be limited to the
61 consideration of the criteria set forth in subdivision (2) of subsection
62 (d) of section 7-473c of the general statutes. The decision of the panel
63 shall be final and binding upon the municipal employer and the
64 municipal employee organization except as provided in section 5 of
65 this act and, if such award is not rejected by the legislative body
66 pursuant to section 5 of this act, except that a motion to vacate or
67 modify such decision may be made in accordance with sections 52-418
68 and 52-419 of the general statutes.

69 (6) In regard to all proceedings undertaken pursuant to this section
70 the secretary of the State Board of Mediation and Arbitration shall
71 serve as staff to the arbitration panel.

72 (7) The cost of the arbitration panel shall be distributed among the
73 parties in the following manner: (A) The municipal employer shall pay
74 the costs of the arbitrator appointed by it, (B) the municipal employee
75 organization shall pay the costs of the arbitrator appointed by it, (C)
76 the municipal employer and the municipal employee organization
77 shall equally divide and pay the cost of the chairman, and (D) the costs
78 of any arbitrator appointed by the State Board of Mediation and
79 Arbitration shall be paid by the party in whose absence the board

80 appointed.

81 Sec. 5. (NEW) Notwithstanding the provisions of section 7-473c of
82 the general statutes:

83 (1) Not later than October 30, 2000, the legislative body of the
84 municipal employer may reject the award of the arbitrators or single
85 arbitrator issued pursuant to section 4 of this act by a two-thirds
86 majority vote of the members of such legislative body present at a
87 regular or special meeting called and convened for such purpose.

88 (2) Not later than November 10, 2000, the legislative body or its
89 authorized representative shall be required to state, in writing, the
90 reasons for such vote and shall submit such written statement to the
91 State Board of Mediation and Arbitration and the municipal employee
92 organization. Not later than November 20, 2000, the municipal
93 employee organization shall prepare a written response to such
94 rejection and shall submit it to the legislative body and the State Board
95 of Mediation and Arbitration.

96 (3) Not later than November 20, 2000, the State Board of Mediation
97 and Arbitration shall select a review panel of three arbitrators or, if the
98 parties agree, a single arbitrator who are residents of Connecticut and
99 labor relations arbitrators approved by the American Arbitration
100 Association and not members of the panel who issued the rejected
101 award. Such arbitrators or single arbitrator shall review the decision on
102 each such rejected issue. The review conducted pursuant to this
103 subdivision shall be limited to the record of the hearing pursuant to
104 section 4 of this act, the written explanation of the reasons for the vote
105 and a written response by either party. In conducting such review, the
106 arbitrators or single arbitrator shall be limited to consideration of the
107 criteria set forth in subdivision (2) of subsection (d) of section 7-473c of
108 the general statutes. Such review shall be completed not later than
109 December 10, 2000.

110 (4) Not later than December 15, 2000, after the completion of such
111 review, the arbitrators or single arbitrator shall render a written

112 decision with respect to each rejected issue which shall be final and
113 binding upon the municipal employer and the employee organization
114 except that a motion to vacate or modify such award may be made in
115 accordance with sections 52-418 and 52-419 of the general statutes. The
116 arbitrators or single arbitrator shall accept the last best offer of either of
117 the parties. The decision of the arbitrators or single arbitrator shall be
118 in writing and shall include specific reasons and standards used by
119 each arbitrator in making a decision on each issue. The decision shall
120 be filed with the parties. The reasonable costs of the arbitrators or
121 single arbitrator and the cost of the transcript shall be paid by the
122 legislative body. Where the legislative body of a municipal employer is
123 the town meeting, the board of selectmen shall perform all of the
124 duties and shall have all of the authority and responsibilities required
125 of and granted to the legislative body under this subsection."